IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 336 of 2002()

CRA.35/1998 of ADDL.SESSIONS COURT, KOTTAYAM
CC.166/1993 of JUDL.MAGISTRATE OF FIRST CLASS, PALA
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REVN. PETITIONER: APPELLANT/ACCUSED

BIJU JOSEPH, S/O.JOSEPH,
MULAMTHANATHU VEETTIL, MOTHANALLOOR VILLAGE,
OMALLUR KARA.

BY ADV. SRI.P.VIJAYA BHANU
SRI.P.M.RAFIQ

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.336 of 2002

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 304(A) IPC and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.1,000/- for the offence under Section 279 IPC and also to undergo simple imprisonment for one year and to pay a fine of Rs.4,000/- and in default, to undergo simple imprisonment for three months for the offence under Section 304(A) IPC.

2. The prosecution case is that on 11.4.1993 at about 3.30 p.m. the accused being the rider of the motor cycle bearing registration No.KL-5A/1197 drove the same through Kuruppanthara-Kuravilangadu road from west to east in a rash and negligent manner so as to endanger human life and as a result of which the motor cycle hit on a pedestrian, a lady aged 75, who succumbed to the injuries sustained.

3. The counsel for the revision petitioner has only sought for modification of the sentence pointing out that about 14 years

have elapsed since the date of the incident and the commencement of the proceedings and that so far the revision petitioner was facing the criminal proceedings and the counsel for the revision petitioner has sought for avoiding the term of imprisonment.

4. In the circumstances, the sentence imposed for the offence under Section 304(A) IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.20,000/- to the legal representatives of the deceased and in default, to undergo simple imprisonment for six months. No separate sentence is awarded for the offence under Section 279 IPC. The revision petitioner is granted two months' time to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate Court, Pala on 14.1.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl